

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DAVID LOWERY)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:07cv-00954-MEF-CSC
)	
STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
DONNY HOLLEY, et al.,)	
)	
Defendants.)	

DEFENDANTS' RESPONSE TO THIS COURT'S SHOW CAUSE ORDER

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COME NOW Defendants, State Farm Fire and Casualty Company (hereinafter "State Farm") and Donny Holley (hereinafter "Holley") and in response to this Court's Show Cause Order submits the following:

1. Defendants filed a Motion for Leave to File One Request For Admission to the Plaintiff on November 8, 2007.
2. Plaintiff did not file an objection to Defendants' Motion.
3. This Court granted Defendants' Motion for Leave to File One Request For Admission on November 13, 2007.
4. Plaintiff did not file a Motion for Reconsideration.

5. Plaintiff's filed a Motion for Protective Order on November 15, 2007.

6. On November 16, 2007, this Court issued a Show Cause Order to the Defendants in response to Plaintiff's Motion for Protective Order.

7. Plaintiff's admission is not necessary to secure federal jurisdiction, but is a device to demonstrate Plaintiff's Motion to Remand is improper. Plaintiff's Objection to the Defendants' Request For Admission is not outweighed by the Defendants' desire to have the propriety of remand settled. The Defendants submit "[t]he lady protests too much, methinks." *William Shakespeare, Hamlet* act.3, sc. 2.

8. Based on the foregoing, Plaintiff's Motion for Protective Order is due to be denied.

/s/ James H. Anderson
JAMES H. ANDERSON [AND021]
MICHEAL S. JACKSON [JAC015]
CONSTANCE T. BUCKALEW [BUC015]
ANGELA TAYLOR BAKER [TAY062]
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Casualty Company and Donny Holley

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **DEFENDANTS' RESPONSE TO THIS COURT'S SHOW CAUSE ORDER** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Nick Wooten, Esq.
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on this the 19th day of November, 2007.

/s/ James H. Anderson
Of Counsel